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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 08 2002

Commissioner for Patents
Washington, D.C. 20231

TECH CENTER 1600/2900

In re PATENT APPLICATION of
Inventor: **Keith D. ALLEN et al.**
Appln. No.: **09/900,754**
Filed: **July 6, 2001**
Title: **Transgenic Mice Containing Tryptase Gene Disruptions**

Group Art Unit: **1632**
Examiner: **Pappau, Sita S.**
Docket/Order #: **R-372**
Deposit Acct **50-1271**
Customer # **26619**

Date: **February 28, 2002**

RESPONSE TO RESTRICTION REQUIREMENT TRANSMITTAL

Sir:

Please file the enclosed response in the above-identified application. The signature below is to be treated as the signature to the enclosure in absence of a signature thereto.

FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. Small Entity previously claimed	Claims remaining	Highest # paid for	Present Extra	Small Entity	Add'l Fee	Fee Code
2. Total Claims	24	minus	30	= 0	x \$9. = + 0	203
3. Independent Claims	12	minus	12	= 0	x 42. = + 0	202
4. If amendment enters multiple dependent claim(s) for the first.....				add+	\$140. = + 0	204
5. Original due date: February 28, 2002						
6. Petition is hereby made to extend the due date to cover the date this response is filed, for which the requisite fee is enclosed						215 216 217
7. Enter any previous extension fee paid and		(subtract)-				
8. Total fee for extension of time:				+ 0		
9. If Terminal Disclaimer is enclosed, add Rule 20(d) official fee.....		+ \$55. =		+ 0		248
10. If IDS enclosed requires Official Fee, or if Rule 97(d) Petition,		add+ \$240. =		+ 0		126
11. After-Final Request Fee per Rules 129(a) and 17(r)		+ \$130. =		+ 0		122
12. No. of additional inventions for examination per Rule 129(b):.....	ea	x \$355. =		+ 0		249
13. Petition fee for				+ 0		
TOTAL FEE: <input checked="" type="checkbox"/> CHARGE AUTHORIZATION <input type="checkbox"/> ENCLOSED						\$ 0

Charge Statement: The Commissioner is hereby authorized to charge any missing or insufficient fees relative to this application, or credit any overpayment, to our Account/Order Nos. above, for which purpose a duplicate copy of this sheet is enclosed.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Keith D. ALLEN

Group Art Unit: 1632

Serial No.: 09/900,754

Examiner: Pappu, Sita S.

Filed: July 6, 2001

Atty Dkt No.: R-372

For: TRANSGENIC MICE CONTAINING TRYPTASE GENE DISRUPTIONS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed January 29, 2002, concerning the Examiner's restriction to the claims for the subject application, Applicant hereby provisionally elects, with traverse, Invention I (claims 1-15 and 17-22), drawn to a targeting construct, a method of producing a targeting construct, a non-human transgenic animal, a transgenic mouse comprising a disruption in a tryptase gene, and a method of identifying an agent that modulates the expression and/or function of tryptase, a transgenic mouse with decreased body weight and decreased thymus weight, and a method of identifying an agent that ameliorates a phenotype associated with a disruption in a tryptase gene.

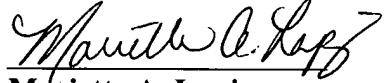
In the restriction, the Examiner asserts that the inventions are distinct from each other because Invention I (claims 1-15 and 17-22) is drawn to a non-human transgenic animal and/or a transgenic mouse comprising a disruption in a tryptase gene and a method of identifying an agent that modulates the expression and/or function of tryptase, a transgenic mouse with decreased body weight and decreased thymus weight, and a method of identifying an agent that ameliorates a phenotype associated with a disruption in a tryptase gene; and Invention II (claims 16 and 23), is drawn to an agent that modulates expression of tryptase gene disruption-associated phenotype of a transgenic mouse.

Specifically, the Examiner asserts that the claims of Invention I and Invention II are patentably distinct in that the claims of Invention I involve procedures that are materially different from the claims of Invention II. In particular, the Examiner asserts that the agent of Invention II is related to the methods of Invention I as a product by process. The Applicant disagrees with the Examiner's conclusion in that the agent recited in the claim of Invention II is related to the compositions and methods recited in the claims of Invention I. A search and examination of these claims, therefore, can be made without serious burden to the Examiner.

Although the Applicant has provisionally elected Invention I for the purposes of advancing prosecution of the present application, Applicant contends for the foregoing reasons that the restriction requirement is improper. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the requirement.

Respectfully submitted,
DELTAGEN, INC.

2/28/02
DATE
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